



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

Hearing: May 7, 2020
Decision: May 7, 2020

May 8, 2020

Andrew Albrecht
Urstadt Biddle Properties, Inc.
321 Railroad Avenue
Greenwich, CT 06830

RE: 1460 Post Road East, Site Plan Appl. #PZ-20-00189

Dear Mr. Albrecht:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on May 7, 2020, it was moved by Ms. Dobin and seconded by Lebowitz to adopt the following resolution:

RESOLUTION #PZ-20-00189

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 7, 2020 and made the following findings:

Background

1. The subject site, a multi-tenant commercial building, is located at 1460 Post Road East, with frontage along Post Road East (US Route 1) and is connected to Sewer. The lot is a split zone lot with 37% of the lot in a residential zone (Residence A) and 63% of the lot in a commercial zone (GBD).
2. The 2.96 acre lot is fully developed with the commercial parking lot on the residentially zoned portion of the property. A 20' non-exclusive right of way bisects the property and is reserved for emergency access to Regents Park. The current building is occupied by retail, medical, dental, and restaurant tenants. A retail tenant, Pier 1, has vacated a 14,100 SF space.
3. The surrounding Post Road commercial area includes a mix of shopping centers, retail stores, gas stations and food establishments. There is residential use, in the

Planned Residential District located directly to the south of this property.

4. The Planning and Zoning Commission approved a Special Permit/Site Plan (#18-021) for a 4,475 SF medical marijuana dispensary facility on the basement level on the western façade of the building.
5. Site Plan Application #19-062 was withdrawn and resubmitted due to statutory time limits and the cancellation of the 3/12/20 hearing. The materials of Appl #19-062 have been incorporated by reference.

Proposal

6. The application proposes redevelopment of the property including modification of parking and landscaping, expansion of an existing outdoor patio area with associated stairs and handicap ramp and façade improvements. The north, west and east elevations will be modified to remove arches, columns, awnings, exterior stucco on the cornice and glass room on the west side of the building.
7. A new concrete stair and walkway will be constructed on the east side of the building. The existing outdoor patio area on the west side of the building will be replaced and expanded with associated stairs and handicap ramp and façade improvements.
8. The Architectural Review Board recommended of the proposed plans at the 5/19/19 meeting. The Elevation Plans were revised since reviewed by the Architectural Review Board in May 2019. The Applicant was asked to return to ARB for review of the revised plans and at the 4/28/20 meeting ARB recommended approval of the revised plans.

Department Comments

9. Tree Board member Dick Stein submitted comments, dated 12/30/19 recommending modifications to the Landscape Plan. Revised plans were submitted on 2/18/20 to address these comments. Mr. Stein provided additional comments dated 2/26/20 and a plan showing recommendations. The Applicant has submitted a letter dated 3/3/20 which address many of Mr. Stein's concerns as well as revised plans.
10. The Conservation Department's comments dated 11/5/19 indicate the project is eligible for a staff level approval.
11. The Engineering Division of the Department of Public Works found in their comments dated 3/4/2020 that no issues were found with the application.
12. The Police Department offered comments dated 12/12/19 stating they have no public safety concerns with this application.

NOW THEREFORE, BE IT RESOLVED that 1460 Post Road East: Appl. # #PZ-20-00189 submitted by Andrew Albrecht for property owned by Urstadt Biddle Properties LLC for Site Plan approval for façade improvements and building access improvements including ADA located in the General Business District, PID#H09019000, be **APPROVED** subject to the following modifications:

1. Conformance to Existing Conditions Survey, prepared by Survey prepared by Kenneth B. Salzmann, dated 3/14/16.
2. Conformance to the Site Plans, prepared by JMC, dated 6/20/18, revised to 3/3/20 to be further revised to indicate the location of the dumpster area and shall be reviewed by the Landscape Committee.
3. Conformance to the Landscape Plan (Sheet L-100), prepared by JMC, dated 6/20/18, revised 3/3/20.
4. Conformance to the Building Plans, prepared by Studio Architecture, dated 6/20/18, revised 2/14/20 to be further revised to be consistent with the Site Plan.
5. Conformance to Design Rendering (Sheet R-001), prepared by Studio Architecture, dated 10/2/19, revised 3/10/20.
6. Conformance to the Architectural Review Board Meeting Minutes from 5/14/19 and 4/28/20 meetings.
7. A Zoning Permit shall be obtained prior to commencement of any work. Prior to the issuance of a new Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. Final Signoff from DPW Engineering;
 - B. Revised Site Plan as required in Condition #2 above; and
 - C. Revised Building Plans as required by Condition #4 above.
6. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer.
7. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
8. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by May 7, 2025.
9. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

1. The application as conditioned has been found to be in conformance with all applicable zoning regulations, with the 2017 Plan of Conservation and Development, and the Site Plan standards listed in §44-5.

VOTE:

AYES	-7-	{Dobin, Stephens, Rutstein, Lebowitz, Walsh, Cammeyer, Olefson}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Danielle Dobin
Chairman, Planning & Zoning Commission

cc: Amrik Matharu, DPW Engineering